

PROB 12B
(PAWP 4/16)

UNITED STATES DISTRICT COURT

for the
WESTERN DISTRICT OF PENNSYLVANIA

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender (Probation Form 49, Waiver of Hearing is Attached)

Offender:	Paul V. Acierno	Docket No.3:11CR00066
Sentencing Judge:	Maurice B. Cohill, Senior United States District Judge	
Date of Original Sentence:	February 29, 2012	
Original Offense:	Possession of Material Depicting the Sexual Exploitation of a Minor	
Original Sentence:	48 months of imprisonment; 10 years of supervised release	
Special conditions:	Forfeiture, Special Assessment, DNA testing, Sex Offender Registration, Sex Offender Treatment, Mental Health Treatment, Polygraph Examination, Search/Seizure, Computer Search, Computer/Internet Restrictions, No Possession of Child Pornographic Materials	
Type of Supervision:	Supervised Release	Date Supervision Commenced: 11/02/2015
Prior Court History:	None	

PETITIONING THE COURT

The offender has not complied with the following condition(s) of supervision:

- ☐ To extend the term of supervision for ____ years, for a total term of ____ years.
☒ To modify the conditions of supervision as follows:

1. The defendant is permitted to possess or use a computer and is allowed access to the Internet. However, the defendant is not permitted to use a computer, or other electronic communication or data storage devices, including a cell phone, to access child pornography or to communicate with any individual or group for the purpose of promoting sexual relations with children. The defendant shall consent to the installation of any hardware or software to monitor any computer, or other electronic communication or data storage devices used by the defendant to confirm compliance with this condition. The defendant shall pay the monitoring costs as directed by the probation or pretrial services officer. Furthermore, the defendant shall consent to periodic unannounced examinations by the probation or pretrial services officer of any computers, cell phones, or other electronic communication or data storage devices that the defendant has access to, to confirm compliance with this condition. Additionally, the defendant shall consent to the seizure and removal of hardware and data storage media for further analysis by the probation or pretrial services officer, based upon reasonable suspicion of a violation of the conditions imposed in this case, or based upon reasonable suspicion of unlawful conduct by the defendant. Failure to submit to the monitoring or search of computers and other electronic communication or data storage devices used by the defendant may be grounds for revocation.
2. If the defendant's employment requires the use of a computer, the defendant may use a computer in connection with the employment approved by the probation or pretrial services officer, provided the defendant notifies their employer of the nature of the conviction or charge. The probation or pretrial services officer shall confirm compliance with this notification requirement.
3. The defendant shall consent to the installation of any hardware or software to monitor the defendant's computer(s) and other electronic communication or data storage devices or to prevent access to the Internet. The defendant shall pay the monitoring costs as directed by the probation or pretrial services officer. The defendant shall consent to periodic inspection of any such computer(s) or other electronic devices, including cell phones, to confirm adherence to this condition. Furthermore, the defendant shall consent to the seizure and removal of hardware and data storage media for further analysis by the probation

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or pretrial services officer, based upon reasonable suspicion of a violation of the conditions imposed in this case, or based upon reasonable suspicion of unlawful conduct by the defendant. Failure to submit to the monitoring or search of computers and other electronic communication or data storage devices used by the defendant may be grounds for revocation.

4. The defendant shall not purchase, possess, or use a computer, a cell phone with internet access, or other electronic devices capable of storing, recording or replaying electronic media or data files, at any location, including his place of employment or education. Furthermore, the defendant shall not access any internet service provider, bulletin board system or any other public or private computer network or service at any location. The defendant shall consent to periodic inspection by the probation or pretrial services officer of any cell phone possessed by the defendant to ensure compliance with this condition. The defendant also shall abide by the provisions of the Computer Restrictions and Monitoring Program approved by the Court.
5. The defendant shall not enter into a rental agreement and/or purchase computers, cell phones, or electronic communication or data storage devices without the consent of the probation officer. Furthermore, the defendant shall not make excessive and/or unexplained purchases of items ordinarily related to children under the age of 18, without approval of the probation officer.
6. The defendant shall provide the probation officer with access to any requested financial information.
7. The defendant shall not frequent and/or loiter within 500 feet of places where children congregate on a regular basis, such as, but not limited to, schools; playgrounds; children's toy and/or clothing stores; video arcades; daycare centers; swimming pools; zoos; amusement parks, or other places primarily used or that can reasonably be expected to be used by children under the age of 18, without prior permission of the probation officer.
8. The defendant shall not photograph and/or videotape any children under the age of 18 without the written consent of their parent or legal guardian who is aware of the nature of the defendant's history, characteristics and/or convictions(s) and has been approved by the probation officer.

CAUSE

The Court for the Western District of Pennsylvania has approved changes in the computer monitoring conditions which have been incorporated in this petition to aid in the rehabilitation of the offender, to protect children, and to deter future criminal activity.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,

By: _____

Michael C. Howard

United States Probation Officer

Date: _____

5/25/2016

THE COURT ORDERS:

- ☐ No Action
- ☐ The extension of supervision as noted above.
- ☒ The Modification of conditions as noted above
- ☐ Other

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Maurice B. Cohill
Maurice B. Cohill, Senior United States District Judge

5/31/16

Date

PROB 49
(3/89)

United States District Court

Western District of Pennsylvania

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

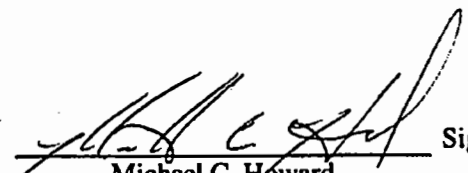
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release:

1. The defendant is permitted to possess or use a computer and is allowed access to the Internet. However, the defendant is not permitted to use a computer, or other electronic communication or data storage devices, including a cell phone, to access child pornography or to communicate with any individual or group for the purpose of promoting sexual relations with children. The defendant shall consent to the installation of any hardware or software to monitor any computer, or other electronic communication or data storage devices used by the defendant to confirm compliance with this condition. The defendant shall pay the monitoring costs as directed by the probation or pretrial services officer. Furthermore, the defendant shall consent to periodic unannounced examinations by the probation or pretrial services officer of any computers, cell phones, or other electronic communication or data storage devices that the defendant has access to, to confirm compliance with this condition. Additionally, the defendant shall consent to the seizure and removal of hardware and data storage media for further analysis by the probation or pretrial services officer, based upon reasonable suspicion of a violation of the conditions imposed in this case, or based upon reasonable suspicion of unlawful conduct by the defendant. Failure to submit to the monitoring or search of computers and other electronic communication or data storage devices used by the defendant may be grounds for revocation.
2. If the defendant's employment requires the use of a computer, the defendant may use a computer in connection with the employment approved by the probation or pretrial services officer, provided the defendant notifies their employer of the nature of the conviction or charge. The probation or pretrial services officer shall confirm compliance with this notification requirement.
3. The defendant shall consent to the installation of any hardware or software to monitor the defendant's computer(s) and other electronic communication or data storage devices or to prevent access to the Internet. The defendant shall pay the monitoring costs as directed by the probation or pretrial services officer. The defendant shall consent to periodic inspection of any such computer(s) or other electronic devices, including cell phones, to confirm adherence to this condition. Furthermore, the defendant shall consent to the seizure and removal of hardware and data storage media for further analysis by the probation or pretrial services officer, based upon reasonable suspicion of a violation of the conditions imposed in this case, or based upon reasonable suspicion of unlawful conduct by the defendant. Failure to submit to the monitoring or search of computers and other electronic communication or data storage devices used by the defendant may be grounds for revocation.
4. The defendant shall not purchase, possess, or use a computer, a cell phone with internet access, or other electronic devices capable of storing, recording or replaying electronic media or data files, at any location, including his place of employment or education. Furthermore, the defendant shall not access any internet service provider, bulletin board system or any other public or private computer network or service at any location. The defendant

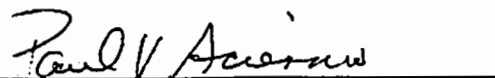
shall consent to periodic inspection by the probation or pretrial services officer of any cell phone possessed by the defendant to ensure compliance with this condition. The defendant also shall abide by the provisions of the Computer Restrictions and Monitoring Program approved by the Court.

5. The defendant shall not enter into a rental agreement and/or purchase computers, cell phones, or electronic communication or data storage devices without the consent of the probation officer. Furthermore, the defendant shall not make excessive and/or unexplained purchases of items ordinarily related to children under the age of 18, without approval of the probation officer.
6. The defendant shall provide the probation officer with access to any requested financial information.
7. The defendant shall not frequent and/or loiter within 500 feet of places where children congregate on a regular basis, such as, but not limited to, schools; playgrounds; children's toy and/or clothing stores; video arcades; daycare centers; swimming pools; zoos; amusement parks, or other places primarily used or that can reasonably be expected to be used by children under the age of 18, without prior permission of the probation officer.
8. The defendant shall not photograph and/or videotape any children under the age of 18 without the written consent of their parent or legal guardian who is aware of the nature of the defendant's history, characteristics and/or convictions(s) and has been approved by the probation officer.

Witness:


Michael C. Howard
U.S. Probation Officer

Signed:


Paul V. Acierno
Probationer or Supervised Releasee

5-25-2016

Date